ment also will generously consent to write off the weavers' liabilities and to give them a solatium.

Mr. K. Ayyappan.—Will it be refunded?

President.—The Government can agree to write off the amount due. As regards the condition of refunding, we are not in a position to make a statement.

Mr. A. B. Salem.—I may tell the House that I had a talk with the weavers and they are present in the House. If the Government cannot refund, they say, let the Government give us relief.

President.—You can assure them that we will not proceed against them.

Dr. A. G. Menon.—That assurance is quite sufficient.

President.—We will write off and in proper form we will come before this House.

Mr. A. B. Salem.—It may be noted like that.

Mr. K. Mohamed Seethi.—With your permission I may speak one or two words with regard to the observation of the Member in support of it. On the specified point of refund, the Hon'ble Member's reference was to the consent of the weavers. It is not a question of consent. They are illiterate and they want to avoid further trouble. That will be exposing their illiteracy and ignorance.

President.—No requisition has come from them. Government has not been able to consider the matter. So that, if there is a request, we shall consider. It is an independent matter. If the Government considers it a proper case for refunding, they will do it. Otherwise not.

Mr. K. Mohamed Seethi.—If the request comes, the Government will consider?

President.—Their idea is somehow or other let this bother be over. They do not want anything more.

Mr. K. Mohamed Seethi.—That should not be any consolation for us.

The cut motion was withdrawn with leave.

Question proposed: '*That the Supplementary Grant asked for be granted.*'

Question put and agreed to.

Bill to amend the Cochin Criminal Procedure Code.

President.—The next item is 'the Law Member will move to introduce a Bill to amend the Cochin Criminal Procedure Code'.

Mr. A. Sankara Menon.—Sir, I move that the Bill to amend the Cochin Criminal Procedure Code be read in Council. The Bill to amend section 409 was once passed by this House

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but subsequently it was found that there was some defect with regard to the words used.

Mr. T. K. Krishna Menon.—I second it.

President.—What is the verbal change?

Mr. A. Sankara Menon.—The words used were 'any British Indian Government'. These words are not generally used. So we have used the words "the Cochin Government, Government of India, or any Local Government or Administration in British India." With regard to the other part, it is to give effect to the recommendations of the Jail Committee. That section gives power to courts to release certain convicted offenders on probation of good conduct.

President.—This was not in the original Bill. It is a new matter.

Mr. A. Sankara Menon.—Yes, Sir. Now greater discretion is given to the courts. The proposed amendment will bring our Code into line with the British Code.

President.—That is only to let them on probation. They can now be let out with admonition and warning. Any Member wishing to speak on this subject? I think that this can be taken to be a non-controversial measure.

Mr. Thomas Manjuran.—Quite so.

President.—The question before the House is that the Bill to amend the Cochin Code of Criminal Procedure be read in Council.

Question put and agreed to.

Secretary to the Council.—The title of the Bill is "A Bill to amend the Cochin Code of Criminal Procedure".

Mr. A. Sankara Menon.—I request that Standing Order No. 32 may be suspended in the case of this Bill.

President.—Permission granted.

Mr. A. Sankara Menon.—I beg to move that the Bill may be taken up for consideration at once.

Mr. T. K. Krishna Menon.—I second it.

President.—The question before the House is that the Bill to amend the Cochin Code of Criminal Procedure be taken up for consideration at once.

Question put and agreed to.

President.—Clause 1. "This Regulation may be called "the Cochin Code of Criminal Procedure (Amendment) Regulation.....of 110..."

Clause put and agreed to.

President.—Clause 2. "In section 409 for the word 'Government' the following words shall be substituted, namely, "The Cochin Government, Government of India, or any Local Government or Administration in British India.".

Clause put and agreed to.

President.—Clause 3. "For section 455 of the said Code, the following shall be substituted:—

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(1) When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the court before which he is convicted, regard being had to the age, character or antecedents of the offender, and the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the court may direct, and in the meantime to keep the peace and be of good behaviour.

Provided that, where any first offender is convicted by a Magistrate of the third class or a Magistrate of the 2nd class not specially empowered by the Government in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to the District Magistrate forwarding the accused to, or taking bail for his appearance before such Magistrate who shall dispose of the case in the manner provided by section 295.

(2) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Cochin Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, the court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents, or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

(3) An order under this section may be made by any Appellate Court, or by the Chief Court when exercising its power of revision.

(4) When an order has been made under this section, in respect of any offender, the Chief Court may, on appeal, when there is a right of appeal to such court, or when exercising its power of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law;

Provided that the Chief Court shall not under this sub-section inflict a greater punishment than might have been inflicted by the court by which the offender was convicted.

(5) The provisions of sections 106, 116 and 320 shall so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.

Clause put and agreed to.

President.—The preamble is: "Whereas it is expedient to amend the Cochin Code of Criminal Procedure, Regulation II of 1086, it is hereby enacted as follows:—"

Preamble put and agreed to.

President.—Now, when shall it come into force? Of course, in the absence of a statement it will come into force at once. But is it not better to have that it shall come into force at once?

Mr. A. Sankara Menon.—Under the General Clauses Regulation, if the commencement is not mentioned, then it has to

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be taken that it will come into force at once.

I move that the Bill may be taken up and passed on Thursday.

Mr. T. K. Krishna Menon.—I second it.

President.—The question before the House is that the Bill to amend the Cochin Code of Criminal Procedure be taken up and passed at a meeting on Thursday, the 4th of Dhanu 1105.

Question put and agreed to.

Bill to amend the Cochin Abkari Regulation.

President.—The next item is "the Law Member will move to introduce a Bill to amend the Cochin Abkari Regulation".

Mr. A. Sankara Menon.—Sir, I move that the Bill to amend the Cochin Abkari Regulation be read in Council. The definition of the term 'intoxicating drug' in Section 3 (14) is defective in that it does not include synthetic preparations of Cocaine.

Mr. T. K. Krishna Menon.—I second it.

President.—Is this also treated as a non-controversial measure?

Mr. A. Sankara Menon.—Yes, Sir.

Dr. A. G. Menon.—We never heard anything about it. Without hearing what it is, we can't say.

Mr. A. Sankara Menon.—It is left to the Hon'ble Members to say that they want a discussion. What I said was that the intention of the International Opium Convention is to absolutely prohibit the cultivation of the Coca plant in Cochin and elsewhere. Secondly in the Abkari Regulation the definition of the term 'intoxicating drug' is defective in that it does not include synthetic preparations of Cocaine.

Dr. A. G. Menon.—Is it medicinal coca or ordinary coca? I think that must be defined.

Mr. C. V. Antony.—It is cocaine.

Mr. A. B. Salem.—Have you got this coca plant now?

Mr. C. Barton Wright.—I think we have got a plant at Bolghatty.

Dr. A. G. Menon.—I have not seen it anywhere in the State. We have no objection with regard to this Bill.

Mr. T. M. Krishna Menon.—Nobody knows anything about it or about the plant.

President.—The question before the House is that the Bill to amend the Cochin Abkari Regulation be read in Council.

Question put and agreed to.

Secretary to the Council.—The title of the Bill is 'A Bill

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